

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	MM Docket No. 97-138
Review of the Commission's Rules)	
regarding the main studio and)	RM-88555
local public inspection files of)	RM-8856
broadcast television and radio stations)	RM-8857
)	RM-8858
47 C.F.R. Sections 73.1125,)	RM-8872
73.3526 and 73.3527)	
)	
)	
TO: The Commission)	

COMMENTS

Radio One Licenses, Inc. ("Radio One"), licensee of eight radio stations in the Washington, DC, Baltimore, MD, and Philadelphia, PA, metropolitan areas, hereby submits its comments in the above-captioned rulemaking proceeding. Radio One supports the Commission's proposal to relax the main studio and local public inspection file rules to lessen the regulatory burden on licensees, and is submitting the instant comments to urge the Commission to implement new rules in a fair and equitable manner.

I. MAIN STUDIO RULE

**CURRENT MAIN STUDIO RULE DEPRIVES LICENSEES OF BENEFIT
OF RELAXATION OF LOCAL OWNERSHIP RULES**

1. Radio One is a good example of how the current main studio rule frustrates licensees in their attempts to take advantage of the potential economies of scale associated with

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the recent relaxation of the local radio ownership rules. Radio One is the licensee of three stations in the Washington, DC, metropolitan area, two licensed to Washington, DC, and one licensed to a nearby suburb. Radio One has established a state-of-the-art studio facility at a suburban location in the heart of the stations' listening public, and would like to use that facility as the main studio location for each of its three metro-DC stations. However, because of the oddities of the FCC's current rule, which requires that the main studio be located within the principal community contour of the station, the site qualifies as the location for the main studio for two of the stations, but falls just outside the permissible area for the third. Such a result is the illogical and inequitable result of applying an outdated rule to a new, multiple ownership situation.

STRAIGHT MILEAGE RULE IS FAIREST AND MOST EQUITABLE SOLUTION TO CURRENT INEQUITIES

2. The Commission's proposal to allow licensees to locate their main studios anywhere within a specified distance from the center of their community of license is the most reasonable, and most equitable, solution to the inequities of the current rule. Given current transportation methods and the mobile nature of our society, people can reasonably expect to travel to visit a station's main studio. Radio One supports a 50 mile standard as reasonable. Such a rule would be easy to interpret, easy to administer by the Commission, and, most importantly, treats every licensee equally and fairly. Thus Radio One urges adoption of this standard.

**PRINCIPAL COMMUNITY CONTOUR STANDARD IS
NOT AN ACCEPTABLE OPTION**

3. In contrast, the Commission's proposal that the main studio could be located anywhere within the principal community contour of any station licensed to the same community is illogical and inequitable. Under such a proposal, a station licensed to a community with multiple stations would have a broad area within which to locate its main studio, yet a station that happens to be the only one licensed to its community would have no flexibility in locating its main studio. The inequity of the proposal is especially apparent in the situation of a large metropolitan area, where the stations licensed to the main city would have far more contours within which to locate than the stations who compete in the same market but are licensed to suburban, or bedroom, communities that are virtually indistinguishable, geographically, from the principal city.

4. For example, Radio One is the licensee of Station WPHI(FM), the only station licensed to Jenkintown, Pennsylvania. Under the proposal at issue, Radio One could locate the WPHI main studio only within the principal community contour of WPHI. Yet WPHI competes in the Philadelphia market, as Jenkintown is a suburb of Philadelphia, located only a few miles from the city center. WPHI's competitors, the Philadelphia stations, would have the principal community contours of more than 30 stations from which to choose in locating their main studios. There is no logical rationale for treating stations in the same market unequally. And such a scenario is not unique; it would be repeated across the country if such a proposal were adopted.

5. There are additional problems with a standard based upon locating within the principal community contour of any station licensed to the same community. If Radio One were to acquire one or more Philadelphia stations in addition to WPHI, it would be constrained from collocating the stations at the most reasonable joint location for the stations, but would be limited to the principal community contour of WPHI. Surely the Commission did not intend such a limiting result when it proposed this option to modify the main studio rule, but such an outcome is undeniably possible as the proposal is framed.

6. Moreover, a rule based upon such a standard would be difficult to interpret and problematic in enforcement. What would happen if stations located their main studios within the principal community contour of a station licensed to their community, but then the station modified its facilities, altering its contour, resulting in the studios falling outside of the contour? Also, would only predicted contours be used, or would the Commission allow alternate showings, such as Tech Note 101, in plotting principal community contours? Upon serious reflection, the Commission's proposal is not only inequitable, but fraught with complications. The proposal should be abandoned.

COMBINATION APPROACHES LIKEWISE INEQUITABLE

7. The Commission has also proposed combinations of a straight mileage and principal community contour approach, but such schemes offer no benefit over a straight mileage approach and would make enforcement of the rule more cumbersome for the Commission. In addition, any proposal involving the application of the principal community contour determiner

treats licensees differently based upon an arbitrary criterion -- the community of license of the station, rather than applying a criterion that is relevant to the issue of accessibility of the main studio -- the actual distance a person must travel to reach the main studio.

CONCLUSION

8. In sum, Radio One submits that a straight mileage proposal in determining where a station may locate its main studio is the most fair and equitable option for modifying the Commission's main studio rules because it treats licensees equally. It also imposes a minimal burden on the Commission, as interpretation and enforceability of the rule would be straightforward and simplified. Finally, the proposal offers licensees maximum flexibility while ensuring that the public can access the main studio. Thus, Radio One urges the Commission to amend the main studio rule to allow licensees to locate their main studios anywhere within a radius of 50 miles of the city-center coordinates of their station's community of license.

II. PUBLIC INSPECTION FILE RULE

PUBLIC INSPECTION FILE SHOULD BE MAINTAINED AT MAIN STUDIO

9. Radio One supports the Commission's proposal to modify its rules to permit the station public inspection file to be maintained at the station's main studio, wherever located, rather than require that it be maintained in the community of license. In the same way that the current main studio rule restricts licensees' flexibility in operating multiple stations, licensees are denied the economies of scale offered by multiple ownership if forced to comply with arcane rules that require maintaining public files in multiple locations in a single market. Far more

reasonable is the requirement that the public file be maintained at the main studio, where it can be maintained and supervised by station personnel, who can respond to any questions about its contents, and will be available to the public in the place where they would most expect it. Thus, Radio One submits that the Commission's rules should be amended to permit maintenance of the station public inspection file at the station's main studio.

Respectfully submitted,

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